

UNITED STATES OF AMERICA  
U.S. DISTRICT COURT – EASTERN DISTRICT OF MICHIGAN

MICHELE CASSALE,

Plaintiff,

DEMAND FOR JURY TRIAL

v.

THOMAS GEORGE ASSOCIATES, LTD,

Defendant.

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**COMPLAINT AND JURY DEMAND**

Plaintiff, Michele Cassale, represented by her attorneys, Sean R. O'Mara of the O'Mara Law Firm and David S. Parnell of the Parnell Law Firm, states:

**Introduction**

1. Plaintiff, Michele Cassale, was sent a letter by Defendant Thomas George Associates LTD (“TGA”) attempting to collect a debt discharged by Honorable Walter Shapero in the United States Bankruptcy Court in the Eastern District of Michigan on October 15, 2014. *See* Exhibit 1. “Discharge of Bankruptcy Case Number 14-51295-wsd”.
2. Defendant’s collection letter was sent on January 13, 2016 is unequivocally an attempt to collect a debt. *See* Exhibit 2. “TGA Collection Letter”.
3. Defendant violated the Fair Debt Collection Practices Act 15 U.S.C. 1692(e)&(f) by attempting to collect and assert that the discharge debt is owed, as well as misrepresenting the legal status of the debt and making deceptive and untrue statements in its attempt to collect of the discharged debt.

### **Jurisdiction**

4. This Court has federal question jurisdiction under the Fair Debt Collection Practices Act, 15 U.S.C. 1692(d) and 28 U.S.C. 1331 and 1337.

### **Parties**

5. Plaintiff is a citizen of the State of Michigan and is a “consumer” as defined in the Fair Debt Collections Practices.
6. Thomas George Associates LTD (“TGA”) is a debt collector headquartered in East Northport, New York. According to Defendant TGA’s website, it proudly proclaims “Our Team of Agents use the art of persuasion in addition to

negotiating skills like no other professional organization, to help our clients reach their recovery goals.” *See* Exhibit 3. “Statement from TGA’s Website”.

7. TGA is a debt collector as defined under the FDCPA, and a “collection agency” or “regulated person” the Michigan Occupational Code (“MOC”), MCL 339.901, *et seq.*
8. TGA is not licensed as a “collection agency” under MCL 339.901, *et seq* in the State of Michigan.

### **General Allegations**

9. Plaintiff filed for chapter 7 bankruptcy in the Eastern District of Michigan on July 8<sup>th</sup>, 2014.
10. Listed in Plaintiff’s schedule F was “Guardian Life Insurance” for a debt totaling \$23,000.
11. The debt incurred from ‘Guardian Life Insurance’ arose from a transaction which was primarily for family, personal or household purposes and which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).
12. Notice pertaining to this debt being listed in Plaintiff’s Bankruptcy was sent to “Guardian Life Insurance”.
13. Guardian Life Insurance did not attend a creditors hearing and the debt was ultimately discharged on October 15, 2014. *See* Exhibit 1. “Discharge of Bankruptcy Case Number 14-51295-wsd”.

14. On or about January 13<sup>th</sup>, 2016 Defendant sent a collection letter attempting to collect an amount due of \$19,382.87 on behalf of Guardian Life Insurance relating to debt discharged in Plaintiff's Chapter 7 Bankruptcy. *See* Exhibit 2.

**COUNT I: VIOLATION OF THE FDCPA**

15. Plaintiff incorporates by reference all paragraphs of this Complaint as though fully stated herein.
16. Defendants violated 15 U.S.C. 1692e(2), (5), (10) by making false representations and utilizing deceptive means in an attempt to collect a debt by sending Plaintiff the collection letter dated January 13, 2016 by attempting to collect and assert that the discharge debt or balance of \$19,382.87 was owed. *See* Exhibit 2.
17. Defendant violated 15 U.S.C. 1692f prohibition against using 'unfair or unconscionable' means to collect the discharged debt claimed owed.
18. As a result of the acts of Defendant, Plaintiff Michelle Cassale has suffered mental distress, anger, humiliation, stress, and strain with friends and family.
19. As a result of Defendant's violations of the FDCPA, Ms. Cassale is entitled to actual damages, statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15 U.S.C. 1692k(a)(3) from Defendant.

**REQUEST FOR RELIEF**

Accordingly, Plaintiff respectfully request that the Court:

- i. Award actual damages;
- ii. Award statutory damages;
- iii. Award statutory costs and attorney fees; and
- iv. Provide for all proper relief.

**JURY DEMAND**

Plaintiff requests a jury trial for those claims triable by jury.

Dated: March 17, 2016

Respectfully Submitted,

/s/ Sean R. O'Mara

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